

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twelfth Judicial District Court, County of Hill

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-08-096
-vs-)	
)	DECISION
OLIN MARK HENDERSON,)	
)	
Defendant.)	

On November 22, 2016, the District Court found that the Defendant had violated his conditions of probation and revoked his suspended sentence for Count I: Theft – By Common Scheme, a felony; in violation of §45-6-301, MCA and Count III: False Claims to Public Agencies, by Common Scheme, a felony, in violation of §45-7-210, MCA. The Defendant was sentenced to the Montana State Prison for a period of five (5) years and was ordered to pay all fines, costs, fees and any other financial obligations ordered by the sentencing court in the original Judgment entered May 18, 2015. The sentence was ordered to run consecutively to any other sentence currently being served.

On February 2, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

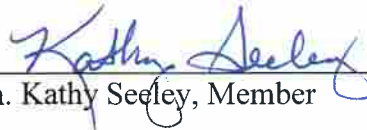
Done in open Court this 2nd day of February, 2017.

DATED this 8 day of March, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 9th day
of March, 2017, to:

Clerk of District Court (Original)
Olin Mark Henderson #2109399, Defendant (2)
Hon. John C. McKeon
Brent Getty, Defense Counsel
Hill County Attorney
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division